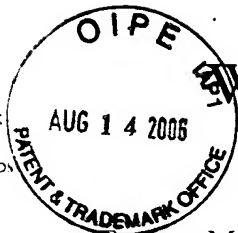


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PATENT APPLICATION
Docket No: 13447.40

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
Daniel F. Justin et al.)
Serial No.: 10/749,346) Art Unit
Filed: December 30, 2003) 3738
Confirmation No.: 8202)
For: TIBIAL CONDYLAR HEMIPLASTY IMPLANTS,)
ANCHOR ASSEMBLIES, AND)
RELATED METHODS)
Examiner: Alvin J. Stewart)



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TRANSMITTAL FOR THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is a Third Supplemental Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- Statement of relevance of selected cited references not in the English language which are not translated.
- Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

* Admitted only in California
§ Admitted only in Virginia

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 23 references submitted for consideration.
- ☒ A copy of 3 Non-US references listed on the Form PTO-1449.
- ☐ English translations of ___ (___) of the references listed on the Form PTO-1449 which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
 - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT;
and
 - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Supplemental Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☐ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☒ Currently with the filing of a Request for Continued Examination (RCE). Accordingly, no fee is required for submission of the Information Disclosure Statement.
- III. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - ☐ Promptness Certification; or
 - ☐ Form PTO-2038 submitting Credit Card Payment in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- IV. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
 - ☐ Promptness Certificate;

- ____ Petition for Consideration; and
- ____ Check No. in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).
- VI. ____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
- ____ Petition to Withdraw from Issue; and
- ____ Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

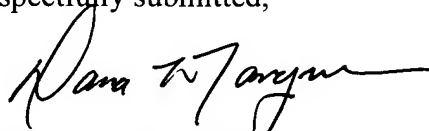
C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

- X Any fee required in relation to filing of this letter or any documents transmitted therewith.
- ____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).
- ____ The submission fee set forth in 37 C.F.R. § 1.17(p).
- ____ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 14th day of August 2006.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800

Applicant: Daniel F. Justin et al.

Confirmation No.: 8202

Serial No.: 10/749,346

Att'y Docket No.: 13447.40

Filing Date: December 30, 2003

Art Unit: 3738

For: TIBIAL CONDYLAR HEMIPLASTY IMPLANTS, ANCHOR ASSEMBLIES, AND
RELATED METHODSTHIRD SUPPLEMENTAL INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner</u> <u>Initial*</u>	<u>Document</u> <u>Number</u>	<u>Issue</u> <u>Date</u>	<u>Name</u>
___ 1	5,019,103	05/28/1991	VanZile et al.
___ 2	5,474,559	12/12/1995	Bertin et al.
___ 3	5,571,196	11/05/1996	Stein
___ 4	5,702,459	12/30/1997	Hummer et al.
___ 5	5,709,689	01/20/1998	Ferrante et al.
___ 6	5,769,855	06/23/1998	Bertin et al.
___ 7	5,755,800	05/26/1998	O'Neil et al.
___ 8	5,824,098	10/20/1998	Stein
___ 9	6,102,954	08/15/2000	Albrektsson et al.
___ 10	6,368,326 B1	04/09/2002	Dakin et al.
___ 11	6,736,819 B2	05/18/2004	Tipirneni
___ 12	6,905,514 B2	06/01/2005	Carignan et al.
___ 13	6,994,725 B1	02/07/2006	Goble
___ 14	2002/0198528 A1	12/26/2002	Engh et al.
___ 15	2003/003018 A1	02/13/2003	Merchant
___ 16	2004/0106928 A1	06/03/2004	Ek
___ 17	2005/0143831 A1	06/30/2005	Justin et al.
___ 18	2005/0149044 A1	07/07/2005	Justin et al.
___ 19	2005/0154398 A1	07/14/2005	Miniaci et al.
___ 20	2005/0177242 A1	08/11/2005	Lotke

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Daniel F. Justin et al.

Confirmation No.: 8202

Serial No.: 10/749,346

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Filing Date: December 30, 2003

Art Unit: 3738

For: TIBIAL CONDYLAR HEMIPLASTY IMPLANTS, ANCHOR ASSEMBLIES, AND
RELATED METHODSForeign Patent Documents

Examiner Initial*	Document Number	Publication Date	Country or Patent Office	Translation
____ 21	0 336 774 B1	10/11/1989	EPO	N/A
____ 22	0 714 645 B1	06/05/1996	EPO	N/A
____ 23	0 985 386 A2	03/15/2000	EPO	N/A

Other Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial***References Cited by Applicants**

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.